

November 13, 2007

Eric Hyson
58 Wild Rose Drive
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 3-13 Plat 107, Lot 10A

Dear Mr. Hyson:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on November 7, 2007 for a variance request from Article XIV, Section 7 and Article IV, Section 10 of the Tiverton Zoning Ordinance to conduct a tub and wall display showroom/retail business in an existing building located on property located at 115 Stafford Road, Tiverton, Rhode Island, at Map 3-13, Plat 107, Lot 10A (the "Premises"), whereby the proposed use is not currently allowed in an R60 zone.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 5.5 acres of land area, more or less, zoned R60.
2. That the petitioner desires to use an existing unit on the Premises for a bath/tub showroom, that no retail sales would be conducted on the Premises and that three employees would perform the use, all of which use is not currently allowed in an R60 zone.
3. The petitioner testified that the proposed use of the Premises would be in keeping with the surrounding area development.
4. That the Board concurs with the factual statements and opinion of the petitioner, whose information, analysis and conclusions were found credible and are made a part of the record.
5. There was one objector to the petition present.

Based on the foregoing, the Board voted unanimously to grant the petitioner's application for a use variance, as follows:

- a. Special conditions and circumstances exist which are special and peculiar to the land or structure involved, and which are not applicable to other

- lands or structures in the same zoning district, and are not due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will not be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would result in an unnecessary hardship on the petitioner.
 - c. The unnecessary hardship, which the petitioner seeks to avoid, has not been imposed by any prior action of the petitioner and is not based purely for monetary gain or loss.
 - d. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
 - e. Relief from the provisions of this ordinance is the least relief necessary to remove the unnecessary hardship.
 - f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
 - g. Without the issuance of this use variance, the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance.

This petition is granted by the Board with the following stipulations and conditions:

- 1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
- 2. That the relief is limited to the representations made by the petitioner to the Board. Any changes to the approved use shall not be made without approval of the Zoning Board of Review.
- 3. That this grant must be activated with a building permit/certificate of occupancy within one (1) year, unless extended by the Board, or it shall become null and void.

Present this letter to the Building Inspector when applying for the necessary permits.

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review